



ATTORNEYS AT LAW

Docket No.: 202048US0

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/761,782
Applicants: Vitaliy A. LIVSHITS, et al.
Filing Date: January 18, 2001
For: MUTANT ILVH GENE AND METHOD FOR
PRODUCING L-VALINE
Group Art Unit: 1652
Examiner: KERR

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Vitaliy Arkadyevich LIVSHITS, et al.

SERIAL NO.: 09/761,782

FILED: JANUARY 18, 2001

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: GROUP ART UNIT: 1652

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FOR: MUTANT ilvH GENE AND METHOD FOR PRODUCING L-VALINE

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SIR:

Responsive to the Official Action dated June 24, 2002, Applicants elect, with traverse, Group I, Claims 1-8, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-8, drawn to DNA encoding a mutant E. coli actohydroxyacid synthase isozyme III and a bacterium containing said DNA; and

Group II: Claim 9, drawn to methods of making valine.

Applicants elect, with traverse, Group I, Claims 1-8.

Applicants note that claims of Group II are directly dependent from the claims of Group I, as such these groups are not separable.

In regard to Groups I and II, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product can be used with a materially different process such as "in the recombinant production of the enzyme". However, the Office has not provided reasons

